



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:  <b>THOMAS EUGENE WACHURA</b>  SERIAL NUMBER: <b>09/996,342</b>  FILED: <b>NOVEMBER 21, 2001</b>  FOR: <b>APPARATUS AND METHOD FOR SAMPLING EYE DIAGRAM WITH WINDOW COMPARATORS</b>	PATENT   ART UNIT NO.: <b>2863</b>  EXAMINER: <b>TUNG S. LAU</b>  ATTY DOCKET NO.: <b>WASC1821</b>
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San Jose, California  
March 1, 2004

I hereby certify that this Transmittal of Response A and all documents referred to as enclosed therein is being deposited with the United States Postal Service on March 1, 2004 in an envelope marked as First Class Mail addressed to Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Douglas A. Chaikin  
Typed or printed name of person mailing paper or fee

[Signature]  
Signature of person mailing paper

## TRANSMITTAL OF Notice of Appeal

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is Response A in the above-identified application.

X Small entity status of this application under 37 CFR §1.9 and §1.27 has been established by a verified statement previously submitted.

       A verified statement to establish small entity status under 37 CFR §1.9 and §1.27 is enclosed.

**TRANSMITTAL OF NOTICE OF APPEAL  
ATTORNEY DOCKET NO.: WASC1821**

**March 1, 2004**

  X   Payment for Notice of Appeal with PTO form 2038 or Check No. \_\_\_\_\_  
for \$210.00

       No additional fee is required.

Respectfully submitted,

**PENINSULA IP GROUP**  
A Professional Law Corporation

A handwritten signature in black ink, appearing to read 'Douglas A. Chaikin', with a long horizontal line extending to the right.

Douglas A. Chaikin  
2290 North First Street, Suite 101  
San Jose, CA 95131  
Reg. No. 29,140  
Tel: (408) 965-4001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:  <b>THOMAS EUGENE WACHURA</b>  SERIAL NUMBER: <b>09/996,342</b>  FILED: <b>NOVEMBER 21, 2001</b>  FOR: <b>APPARATUS AND METHOD FOR SAMPLING EYE DIAGRAM WITH WINDOW COMPARATORS</b>	PATENT   ART UNIT NO.: <b>2863</b>  EXAMINER: <b>TUNG S. LAU</b>  ATTY DOCKET NO.: <b>WASC1821</b>
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March 1, 2004

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Douglas A. Chaikin  
Typed or printed name of person mailing paper or fee  
[Signature]  
Signature of person mailing paper

**NOTICE OF APPEAL FROM THE PRIMARY  
EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES (37 CFR  
§1.191)**

Mail Stop Appeal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is Applicant's Notice of Appeal in the above-identified application.

03/10/2004 EAREGAY1 00000153 09996342

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**NOTICE OF APPEAL**  
**ATTORNEY DOCKET NO.: WASC1821**

**March 1, 2004**

Applicant hereby appeals to the Board from the decision of the Primary Examiner,  
mailed July 25, 1997, finally rejecting Claims 1 through 16.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of a small entity  
small entity

verified statement

☐ attached

☒ has already been filed.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

☒ small entity \$165.00

☐ other than a small entity \$330.00

**Notice of Appeal fee due: \$165.00**

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of  
37 C.F.R. 1.136 apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37  
CFR 1.1.7(a)-(d)) for the total number of months checked below:

<u>Extension</u> <u>(months)</u>	<u>Fee for</u> <u>large entity</u>	<u>Fee for</u> <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

**Fee: \$ 0.00**

March 1, 2004

If an additional extension of time is required please consider this a petition therefor.

\_\_\_ An extension for one (1) month(s) has already been secured and the fee paid therefor of \$ 00.00 is now deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request: \$ 0.00**

**OR**

(b) \_\_\_ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Appeal Brief Fee: \$165.00

Extension Fee (if any): \$0.00


**TOTAL FEE DUE: \$165.00**

**5. FEE PAYMENT**

X Attached is a check in the sum of \$ 165.00.

Respectfully submitted,

**PENINSULA IP GROUP**  
A Professional Law Corporation

  
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